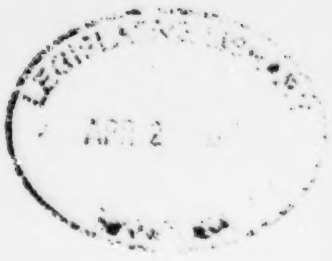
# *Manitoba Justice*
# *Child Victim Support Initiative*



## *April 10, 2000*

The justice system has a special responsibility to treat child victims of crime - the most vulnerable participants in our criminal justice system - with sensitivity and to take all available steps to ensure their safety through strong and effective prosecutions. The Child Victim Support Initiative is a co-ordinated and comprehensive plan to create a specialized criminal justice system response to crimes against children.

The six-point Initiative is the first comprehensive plan of its kind in Canada. Some parts of the Initiative are new while some are enhancements to existing practices. The Initiative also represents an incremental approach; the department will assess which aspects of the Initiative are most effective for broader application in the future.

As this Initiative develops, any family whose child is the unfortunate victim of a sexual assault, or violence where an element of abuse is present, will know that the government is committed to support the child through each stage of the court process and within the community, and to vigorously pursue successful prosecutions.

### 1. Child friendly waiting rooms and courtrooms

Waiting rooms and courtrooms will be established or modified to meet the unique needs of child victims, and technology will be used to support the child victim, whenever appropriate and feasible. Each child will be given every support that the physical environment can provide while awaiting or going though the court process in their community. The child will not be required to have unnecessary contact with the accused.

- **Child friendly courtroom** - A specific Provincial Court courtroom in Winnipeg is being renovated to be child friendly with a number of features which will make the child feel as comfortable as possible. These features are highlighted in the attached architectural sketch.
- **Child friendly waiting room** - A new child friendly waiting room is being created adjacent to the courtroom in Winnipeg. The child will be able to

play or be engaged in other age-appropriate activities prior to testifying in court. In Brandon, a similar waiting room is in place as part of the new courthouse construction.

- **Screens for testifying** - In court locations throughout the province, child friendly design will be pursued whenever facilities are renovated. Meanwhile, screens will be provided and court orders will be requested to enable the child to testify without the intimidation and discomfort of the presence of an accused person. The screens are designed, however, so that the accused person can see the witness.
- **Video technology** - Crown attorneys will apply to the court to be able to make use of closed circuit television testimony to ensure that there is no visual contact with the accused person, when consistent with obtaining the best evidence. The use of videotaped statements will also provide further support to the child victim.
- **Support person for child victim** - Crown attorneys will also apply to the court to allow a child witness to testify with a support person. In the courtroom, seating adjacent to the child witness will be provided for these support persons.
- **Inmate construction** - The courtroom screens and some of the furnishings and equipment for the Winnipeg waiting room will be constructed by inmates from the Headingley Correctional Centre.

## 2. Specialized and resource prosecutors and augmented legal training

- **Specialized prosecutors** - Specialized prosecutors will be assigned in Winnipeg and Brandon from among the Family Violence prosecutors.
- **Resource Prosecutor** - If a case is not able to be assigned to a specialized prosecutor, a prosecutor from the Family Violence team will be readily available as a resource to the Crown attorney.
- **Workshop on child victims** - Ongoing legal education for Crown attorneys and child victim support service staff will be augmented in May 2000 when Dr. John Yuille will provide training on dealing with the child victim as a witness during a two-day program.

## 3. Swift justice

When a child has been a victim of a criminal offence, the case will be moved through the court system as quickly as possible. This is what the Department of Justice will do:

- **Early trials** - The Crown attorney will vigorously pursue the earliest possible trial dates. In Winnipeg, a specifically designated courtroom will increase the number of trial dates available. Cases will be dealt with in months, not years.
- **Opposing excessive remands** - Crown attorneys will strenuously oppose excessive requests for remand unless they are necessary in the interest of the child victim or witness, or to gather more evidence.
- **One prosecutor** - The same prosecutor will deal with the case through the full trial process, from start to finish, except in exceptional circumstances.
- **Preliminary inquiries needed?** - Crown attorneys will consider in each case whether a preliminary inquiry is necessary. In certain circumstances, it will be appropriate to have the case referred directly to trial.
- **Rules of court** - The Department supports the initiatives of the Chief Judge and the Provincial Court to establish rules of court to enable cases to move through court quickly.
- **Computer system priority flag** - The prosecutions, courts and corrections divisions are working to develop a comprehensive automated case management program. The system will also include an electronic referral for all child victim cases to the Child Victim Support Service and for the monitoring of these cases through the system. The child victim referral and priority flag of the case will be available this summer.

**4. Stronger evidence**

Every effort to support the child victim through the difficult court process needs to be paired with efforts to ensure that all evidence is as strong as possible and will contribute to a successful and effective prosecution.

- **Police consultation plan** - Throughout the province, police will have access to Crown attorneys for consultation on evidentiary issues, even before charges are laid, to ensure that no time is lost and that the case is as strong as possible. Consultation will occur at regularly scheduled times for ongoing investigations, and on an emergency basis for individual cases when required.
- **Attention to expert evidence** - Crown attorneys, in preparing for every trial will consider the calling of expert evidence relating to the constellation of symptoms that may signify child abuse, the timing of the child's disclosure and a child's ability to recall dates or details of offences.
- **Child Protection Centre teamwork** - Medical and psychological experts from the Child Protection Centre will be called upon in cases where an expert opinion is necessary. This early involvement of the Centre will strengthen the Crown's case.

- **Videotaped statements** - The Crown will apply to have videotaped statements used in court to give the child the greatest comfort level possible.

5. **Enhanced child victim support service**

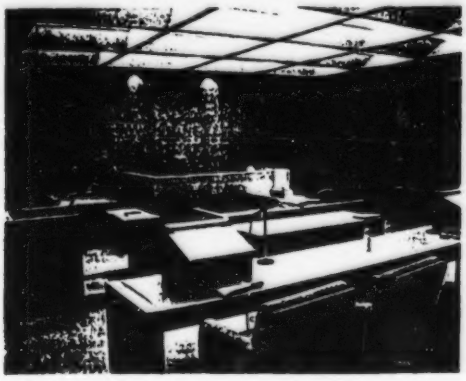
The Child Victim Support Service (formerly Child Witness Support Program), in cooperation with the crown attorney, is responsible for identifying children's fears in relation to the court experience, alleviating them, educating the children about the court process, assisting the children to develop coping skills for their appearance in court, providing short term counseling and advocating for the child victim. A number of enhancements to the Service are being introduced.

- **Early case referral** - A case will be referred by the Crown attorney to the Child Victim Support Service within one week of receiving the file.
- **Communication and consultation** - The child and parents or guardians will be contacted to discuss all significant events during the case, including delays, offers on plea disposition and resolutions.
- **Counselling** - Children and families will be referred for counselling, and this will be supported through the Compensation for Victims of Crime Program or the Victims Trust Fund.
- **Puppet program** - A puppet program will help pre-school and early elementary children feel more comfortable in asking questions of staff about the court process.
- **Plain language** - Crown attorneys will be vigilant in ensuring that they use age-appropriate, simple language in the courtroom.
- **Volunteer program** - A new program to train community volunteers as child advocates will be developed and begin to be phased in during the next year. The volunteer program will be a made-in-Manitoba program based on a similar model developed by the National Court Appointed Special Advocate Association (CASA) in the United States.
- **Toll free number for victims** - A new toll-free number will be initiated for victims to access help.

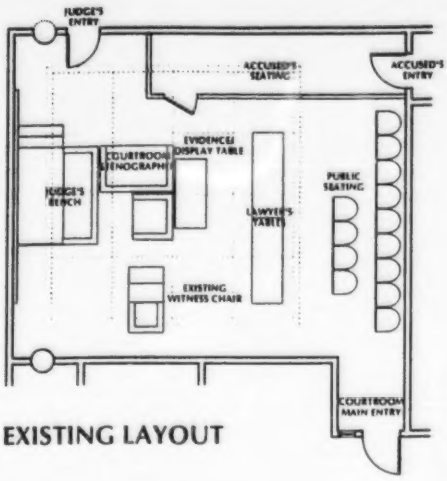
6. **Child-centered approaches to sentencing and enhanced probation protocol**

- **Dispute as to facts** - In any situation where there is a dispute between the Crown attorney and the defence counsel on significant facts, the Crown attorney will call evidence at the sentencing hearing.

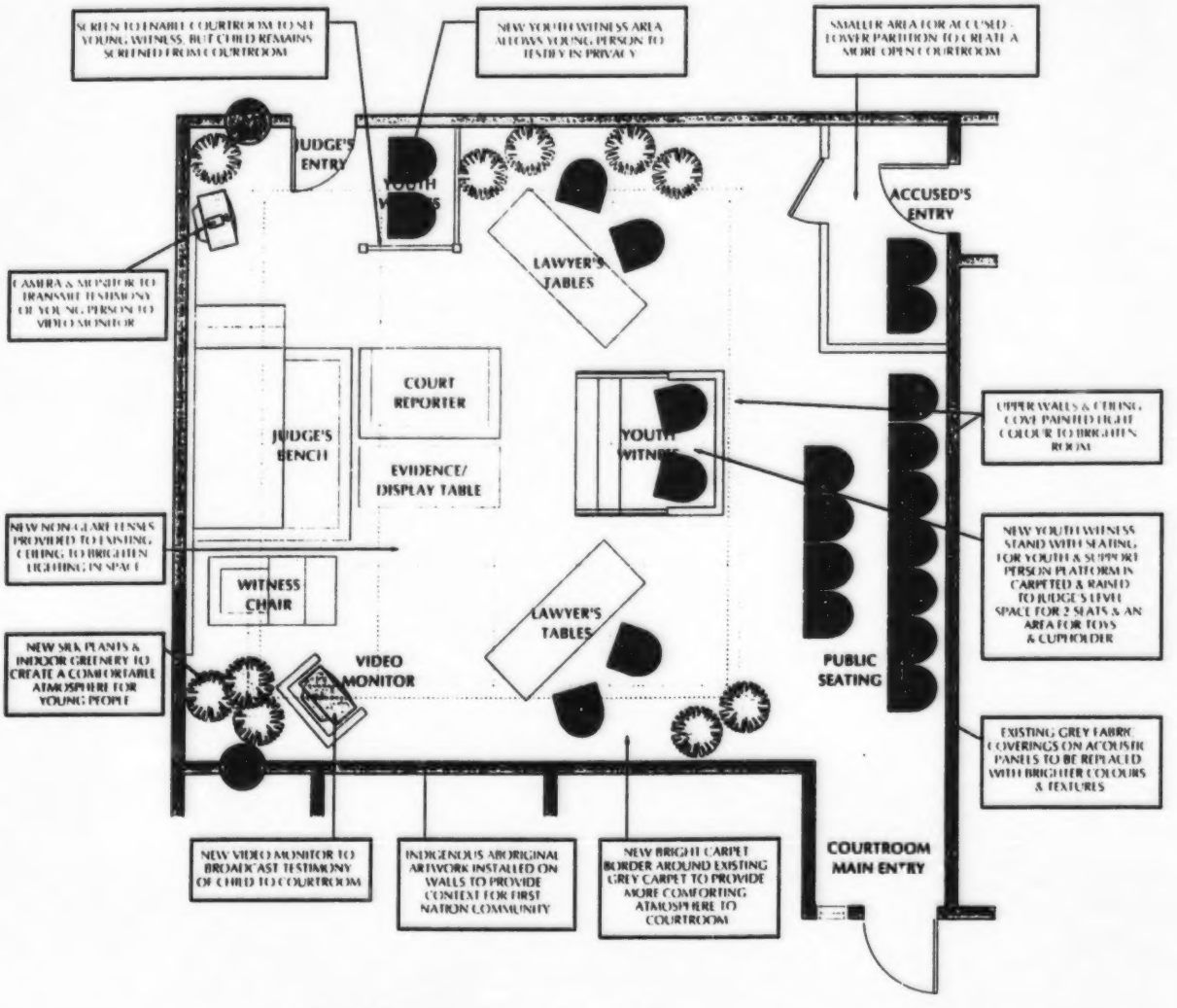
- **Victim impact statement** - A victim impact statement will now be requested for every case where there is a child victim to allow the victims to have a voice and give information to the court about the impact of the crime.
- **Pre-sentence reports** - The Crown attorney will recommend to the court that pre-sentence reports be prepared for all child victim cases. The report will assess the ability of the offender to respond positively to interventions such as treatment programs or counselling.
- **Safety recommendations** - During the preparation of the pre-sentence report, the probation officer must assess and recommend to the court conditions that may be necessary to protect the child victim and the broader community.
- **Aggravating circumstances** - The Crown attorney in every case will consider whether the age of the victim is an aggravating factor that should be acknowledged by the court at sentencing.
- **Fast tracked prosecutions of breaches** - There will be a prioritized and swift prosecution of breaches of a condition of probation or a conditional sentence where the breach poses a risk to the child victim or other children.
- **Notifying victims of breaches** - When a breach of a condition of probation or conditional sentence is initiated by probation officers and there is potential for a child to be at risk, every effort will be made to notify the child and family.
- **Indefinite sentence** - The Crown attorney will consider in each case whether to apply to the court to have the offender designated as a dangerous offender and subject to indefinite incarceration, based on the offender's history.



EXISTING COURTROOM APPEARANCE




EXISTING LAYOUT




# Proposed Child Friendly Court Improvements

PRAIRIE
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